United Nations A/53/1042

General Assembly

Distr.: General
24 August 1999

Original: English

Fifty-third session
Agenda item 166
Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter dated 29 June 1999 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to your letter dated 23 June 1999 concurring with my proposal to appoint Patricia McGowan Wald as a Judge of the International Tribunal for the Former Yugoslavia (see annex I). I have now received a corresponding letter from the President of the Security Council. Accordingly, I have appointed Ms. Wald as a Judge of the International Tribunal, effective 17 November 1999, for the remainder of the term of office of Judge McDonald, which term will expire on 16 November 2001.

(*Signed*) Kofi A. **Annan**

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Annex I

Letter dated 23 June 1999 from the President of the General Assembly to the Secretary-General

I have the honour to refer to your letter dated 21 June 1999 concerning the candidature of Patricia McGowan Wald for the remainder of the term of office of Gabrielle Kirk McDonald, member of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, whose resignation is effective 17 November 1999 (see annex II).

In accordance with article 13, paragraph 3, of the statute of the International Tribunal, I have reviewed the qualifications of Ms. Wald and am pleased to inform you that I concur with the proposed appointment.

(*Signed*) Didier **Opertti**

Annex II

Letter dated 21 June 1999 from the Secretary-General to the President of the General Assembly

I have the honour to refer to article 13, paragraph 3, of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, which reads as follows:

> "In the event of a vacancy in the Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned."

In this connection, I should like to recall that Judge Gabrielle Kirk McDonald, a national of the United States of America, has resigned as a Judge of the Chambers of the International Tribunal effective 17 November 1999. (She will, however, continue to sit, until their completion, on any cases to which she has been assigned whose hearing has not been completed by that date.)

The Government of the United States of America has presented the candidacy of Patricia McGowan Wald to replace Judge McDonald. Please find her curriculum vitae attached (see appendix).

It is my view that Ms. Wald meets the qualifications which are prescribed in article 13, paragraph 1 of the statute of the International Tribunal. I also consider that her appointment would be well calculated to ensure adequate representation on the Tribunal of the principal legal systems of the world, as contemplated in article 13, paragraph 2 (c), of the Tribunal's statute.

I should therefore like to proceed to consultation with you on the appointment of Ms. Wald, in accordance with article 13, paragraph 3, of the statute of the International Tribunal. I look forward to receiving your views on the matter.

(*Signed*) Kofi A. **Annan**

Appendix

Curriculum vitae for Patricia McGowan Wald

Born:	Torrington, Connecticut, 1928
Residence:	2101 Connecticut Avenue, N.W. Washington, D.C. 20008
Husband:	Robert L. Wald Baach, Robinson & Lewis, Washington, D.C.
Children:	Sarah, Douglas, Johanna, Frederica, Thomas
Education:	B.A., Connecticut College for Women (Phi Beta Kappa; Winthrop Scholar) 1948 LL.B., Yale Law School (Order of Coif; Case Editor, Yale Law Journal) 1951
Member:	District of Columbia Bar; United States Supreme Court Bar
Present Position:	Circuit Judge, United States Court of Appeals for the District of Columbia Circuit

EXPERIENCE

Principal Legal Positions:

1986-91	Chief Judge, United States Court of Appeals for the District of Columbia Circuit
1979-	Circuit Judge, United States Court of Appeals for the District of Columbia Circuit
1977-79	Assistant Attorney General for Legislative Affairs, Department of Justice
1972-77	Attorney, Mental Health Law Project (Litigation Director 1975-77)
1972	Director of Office of Policy & Issues, Sargent Shriver Vice Presidential Campaign
1971-72	Attorney, Center for Law and Social Policy
1970	Co-Director, Ford Foundation Drug Abuse Research Project
1969	Consultant, National Commission on the Causes and Prevention of Violence
1968	Consultant, National Advisory Committee on Civil Disorder

1968-70	Attorney, Neighborhood Legal Services Program
1967-68	Attorney, Office of Criminal Justice, Department of Justice
1966-67	Consultant, President's Commission on Law Enforcement and Administration of Criminal Justice
1965-66	Member, President's Commission on Crime in the District of Columbia
1965	Consultant, National Conference on Law and Poverty
1963-64	Member, National Conference on Bail and Criminal Justice
1952-53	Associate, Arnold, Fortas & Porter, Washington, D.C.
1951-52	Law Clerk to Judge Jerome Frank, United States Court of Appeals for the Second Circuit

Other Legal Activities:

American Law Institute, 1972-; Council, 1978-; Executive Committee, 1984-; Program Committee, 1985-88; Chair, 1985-88; Nomination Committee, 1980-; Committee on Institute Size, 1992-94; Second Vice President, 1988-93; First Vice President, 1993-1998

American Bar Association Council of Section on Administrative Law and Business Regulation, 1991-94

American Bar Association, Criminal Justice Section Special Committee on ABA Standards for Criminal Justice, 1986-93

American Bar Association-Institute of Judicial Administration Joint Commission on Juvenile Justice Standards, 1973-77; Executive Committee, 1974-77

American Bar Association Commission to Reduce Court Costs and Delay, 1978-84; Editorial Committee, 1983-84

Advisory Board, ABA Juvenile Justice Standards Project Implementation, 1982-86

American Bar Association Commission on the Mentally Disabled, 1984-86

Board of Editors, American Bar Association Journal, 1978-84

Vice Chairman, Drug Abuse Committee, Criminal Justice Section, American Bar Association, 1970-73

Judicial Administration Division, Committee on Federal-State Relations, American Bar Association, 1985-88

Fellow, American Bar Association Foundation, 1984-

Fellow, Institute of Judicial Administration, 1983-92

Board of Governors, D.C. Bar, 1974-77; Executive Committee, 1975-76

Committee on Admissions and Grievances, United States Court of Appeals for the District of Columbia Circuit, 1973-77

D.C. Pretrial Services Agency, Executive Committee, 1982-94
District of Columbia Judicial Conference Committee on the Administration of Justice Under Emergency Conditions, 1972-73
District of Columbia Judicial Conference Committee on the Operation of the Bail Reform Act, 1968-69
Legal Services Corporation, Panel on Support Center Study, 1975-76
Advisory Panel on Criminal Justice, Edna McConnell Clark Foundation, 1981-84
Board of Trustees, Vera Institute of Justice, 1965-72
Editorial Board, Crime and Justice Annual Review of Research, 1979-90
Advisory Board, Yale Law & Policy Review, 1982-
Advisory Board, Environmental Law Reporter, 1984-86
Advisory Board, University of Maryland Law School, 1985-92
National Science Foundation-National Research Council-Committee on Law Enforcement and Administration of Justice, 1985-90
Advisory Board, Constitution, 1988-95
Advisory Board, University of Chicago Law School, 1989-91
Task Force on Technology and Courts (Carnegie Foundation), 1989-92
Board of Editors, Judicial Writing Project (Federal Judicial Center), 1989-90
Faculty, Law & Justice, Aspen Institute, July 1995
Member, Task Force of D.C. Circuit on Gender and Racial Bias, 1993-96
United States Judicial Conference Committee on Codes of Conduct, 1987-92
United States Judicial Conference Committee on Case Management, 1996-
Advisory Committee, Project for the Future of Equal Justice, 1998-

Other Activities:

Hauser Global Scholar Selection Committee, New York University Law School, 1995-97
Open Society Institute, Individual Fellowship Selection Committee, 1996-
American Academy of Arts and Sciences Fellow, 1991-
Institute of Medicine, National Science Foundation, 1978-86; Board of Disease Prevention and Health Care, 1984-86
Board of Trustees, Meyer Foundation, 1976-77
Board of Trustees, Connecticut College, 1976-77
Board of Trustees, Phillips Exeter Academy, 1975-77
Carnegie Council on Children, 1973-77

Board of Trustees, Ford Foundation, 1972-77;
Executive Committee, 1975-77
Member, Sloan Commission on Cable Communications, 1970-71

Honors:

DISTINGUISHED ALUMNAE AWARD, Connecticut College, 1972
AUGUST VOELMER AWARD, American Society of Criminology, 1976
LAW SCHOOL HONORARY FELLOW, U. Pa. Law School, 1979
DOCTOR HUMANITIES, Mt. Vernon Junior College, 1980
DOCTOR LAWS, George Washington University Law School, 1983
WOMAN LAWYER OF THE YEAR (Women's Bar Assoc. of D.C.), 1984
DOCTOR LAWS, John Jay School of Criminal Justice, 1985
DOCTOR LAWS, Mount Holyoke College, 1985
DOCTOR LAWS, Notre Dame University, 1986
DOCTOR LAWS, CUNY-Queens Law School, 1986
ANNUAL MERIT AWARD, National Association of Women Judges (Division 4), 1986
ANNUAL AWARD, New York Women's Bar Association, 1987
MERIT AWARD, Yale Law School, 1987
DOCTOR LAWS, Georgetown University Law School, 1987
DOCTOR LAWS, Villanova Law School, 1988
DOCTOR LAWS, Amherst College, 1988
DOCTOR LAWS, New York Law School, 1988
DOCTOR LAWS, Colgate University, 1989
DOCTOR LAWS, Washington College of Law, American University, 1989
DOCTOR LAWS, Ohio State University Law School, 1991
DOCTOR LAWS, New England College, 1991
DOCTOR LAWS, Hofstra University School of Law, 1991
HONORARY ORDER OF THE COIF, University of Maryland Law School, 1991
DOCTOR LAWS, Suffolk University Law School, 1991
HONOREE, Women's Bar Association's 75th Anniversary, 1992
SANDRA DAY O'CONNOR MEDAL OF HONOR, Seton Hall Law School, 1993
MARGARET BRENT WOMEN LAWYERS OF ACHIEVEMENT AWARD (American Bar Association Commission on Women in the Profession), 1994
NATIONAL ASSOCIATION OF WOMEN JUDGES ANNUAL AWARD, 1994
DOCTOR LAWS, Vermont Law School, 1995
JUVENILE LAW CENTER AWARD, 1995

TRIAL LAWYERS ASSOCIATION OF METROPOLITAN WASHINGTON AWARD FOR JUDICIAL EXCELLENCE, 1998
THE DISTRICT OF COLUMBIA BAR THURGOOD MARSHALL AWARD, 1998

Publications:

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The Bail Reform Act of 1966, 52 A.B.A. J. 940 (with Daniel J. Freed 1966)
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Poverty and Criminal Justice, Task Force on the Courts, President's Committee on Law and the Administration of Justice (1967), *reprinted in* THE SOCIOLOGY OF PUNISHMENT AND CORRECTION (Johnson, Savitz, Wolfgang, 2d ed.)
Alcohol, Drugs and Criminal Responsibility, 63 GEO. L. J. 69 (1974)
Corrections: The Unequal Partner (Keynote Address to the American Correctional Association, 1980), *reprinted in* CORRECTIONS TODAY (Sept./Oct. 1980)
Book Review, 64 JUDICATURE 292 (Dec.-Jan. 1981) (reviewing KAMISAR, POLICE INTERROGATION AND CONFESSIONS)
The Unreasonable Reasonableness Test for Fourth Amendment Searches, 4 CRIM. JUST. ETHICS 2 (1985)
A Report From the Front in the War on Drugs (The Henry J. Miller Distinguished Lecture Series), 7 GA. STATE U. L. REV. 1 (Fall 1990)
Violence Under the Law: A Judge's Perspective, in LAW'S VIOLENCE (Sarat & Kearns ed., Amherst Series, 1992)
Guilty Beyond a Reasonable Doubt: A Norm Gives Way to the Numbers, 1993 U. CHI. LEGAL F. 101
A Retrospective on the Thirty-Year War Against Crime (Keynote Address to Symposium on 30th Anniversary of President's Commission on Law Enforcement and Administration of Justice), *reprinted in* U.S. DEPT. OF JUSTICE, THE CHALLENGE OF CRIME IN A FREE SOCIETY: LOOKING BACK LOOKING FORWARD (June 1997)

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Trying a Juvenile Right to Treatment Case: Pointers and Pitfalls for Plaintiffs, 12 **CRIM. L. REV.** 125 (Summer 1974) (with Lawrence Schwartz)
Making Sense Out of the Rights of Youth, **HUM. RTS.** (Winter 1974), *reprinted in* 40 **CHILD WELFARE** (June 1976)
Juvenile Detention, in **PURSUING JUSTICE FOR THE CHILD** (1977)
Contributor to **ALL OUR CHILDREN** (Report of Carnegie Council on Children, Harcourt Brace 1977)
A Right to Counsel for School Psychologists?, 6 **SCH. PSYCHOLOGY DIG.** (1977)
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Doing Right by Our Kids: A Case Study in the Perils of Making Policy on Television Violence (Publication by Division of General Pediatrics and Adolescent Health, University of Minnesota) (1994), *reprinted in* 23 **U. BALT. L. REV.** 297 (1994)
Foreword, **JUVENILE JUSTICE STANDARDS ANNOTATED** (ABA) (1996)
Goss v. Lopez: Not the Devil, Nor the Panacea, Federalist Society Symposium: The Rights Revolution, 1 **MICH. L. & POL'Y REV.** 331 (1996)

III. Mental Disability Law

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Basic Personal and Civil Rights of the Mentally Retarded in **THE MENTALLY RETARDED CITIZEN AND THE LAW** (President's Council on Mental Retardation, Free Press 1976)
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IV. Poverty and Public Interest Law

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"For the United States": Government Lawyers in Court, 61 LAW & CONTEMP. PROBS. 107 (1998)

V. Administrative Law

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10 **COL. J. ENVT'L L.** 1 (1985)
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5 **J. POL'Y ANALYSIS & MGT.** 535 (1986)
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7 **ADMIN. L.J. AM. U.** 238 (1993)
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VI. Statutory Interpretation

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VII. Constitutional Law

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Two Unsolved Constitutional Problems, 49 PITTSBURGH L. REV 753 (1988)
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VIII. Judicial Process and Administration

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Litigation in America: Introduction, 31 UCLA L. REV. 1 (1983)
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Book Review, 7 J. POL'Y ANALYSIS & MGM'T. 373 (Winter 1988) (reviewing STORM CENTER: THE SUPREME COURT IN AMERICAN POLITICS)
Technology and the Courts, in SCIENCE & TECHNOLOGY ADVICE TO THE PRESIDENT, CONGRESS, AND JUDICIARY (Golden ed. 1988)
Limits on the Use of Economic Analysis in Judicial Decisionmaking, 50 LAW AND CONTEMPORARY PROBLEMS 225 (1988)
"Some Exceptional Condition"—The Anatomy of a Decision Under Federal Rule of Civil Procedure 53(b), 62 ST. JOHN'S L. REV. 405 (1988)
Colloquy: Human Voice in Legal Discourse - Disembodied Voices - An Appellate Judge's Response, 66 TEX. L. REV. 623 (1988)
Three Challenges to the Legal Profession, 36 FED. B. NEWS & J. 227 (June 1989)
Random Thoughts on a Random Process: Selecting Appellate Judges, 6 THE JOURNAL OF LAW & POLITICS 15 (1989)
Calendars, Collegiality, and Other Intangibles on the Court of Appeals, in THE FEDERAL APPELLATE JUDICIARY IN THE 21ST CENTURY (Federal Judicial Center, 1990)
Selecting Law Clerks, 89 MICH. L. REV. 152 (1990)
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Some Real-Life Observations About Judging, 26 IND. L. REV. 173 (1992)
"... Doctor, Lawyer, Merchant, Chief", 60 GEO. WASH. L.REV. 1127 (1992)
Communicating With Juries (Panel Two: Innovations for Improving Communications and Views from Appellate Courts), 68 IND. L. J. 1061 (1993)
Collegiality on a Court, 40 FED. B. NEWS & J. 521 (Sept. 1993)
Law Clerks: The Transformation of the Judiciary, The Long-Term View, Vol. 3, No. 1 (1995) (Interview)
The Rhetoric of Results and the Results of Rhetoric: Judicial Writings, 62 U. CHI. L. REV. 1371 (1995)
17 Tips From 17 Years on the Appellate Bench, The Appellate Advocate (AAAL) (Fall, 1996)
Hans Linde and the Elusive Art of Judging: Intellect and Craft Are Never Enough, 75 TEX. L. REV. 215 (1996)
Summary Judgment at Sixty, 76 TEX. L. REV. 1897 (1998)
A Twenty-Year Retrospective on Life and Law in the D.C. Circuit Cosmos Club Speech (excerpted in COSMOS CLUB BULLETIN) (1998)
19 Tips From 19 Years on the Appellate Bench, 1 J. APP. PRAC. & PROCESS 7 (U. ARK. LITTLE ROCK SCHOOL OF LAW) (1999)
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IX. Women in the Law

The Role of Morality in Judging: A Woman Judge's Perspective, in LAW AND EQUALITY 3 (May 1986)
Women in the Law: Stage Two, 52 UMKC L. REV. 45 (1983)
Building Bridges Not Walls, 71 WOMEN'S L.J. 25 (1985) Remarks at 1985 Conference on Women and the Law
Women in the Law, 16 HUMAN RIGHTS 40 (1989)
Some Unsolicited Advice to My Women Friends in Eastern Europe, 46 SMU L. REV. 557 (1993)
Civilization's Unfinished Business: Violence Against Women (Keynote Speaker to International Women Judges Rome Conference on Domestic Violence), *excerpted in* COUNTERBALANCE INTERNATIONAL (Newsletter of International Association of Women Judges), Vol. 3, No. 1 (Summer 1994)
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X. General

Justice in the 95th Congress: An Overview, 64 A.B.A. J. 1854 (Dec. 1978)
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Commencement Address, 1982, 32 CATH. U. L. REV. (1983)
Commencement Address, 1983, George Washington University Law School, *reprinted in* LEGAL TIMES, Vol. 6, No. 9 (Aug. 1, 1983)
Senior Day Address, 1984, University of Michigan Law School, *reprinted in* 29 LAW QUADRANGLE NOTES 37 (Fall 1984)
Teaching the Trade: An Appellate Judge's View of Practice-Oriented Legal Education, 36 J. LEGAL EDUC. 35 (1986)
On the Cusp, Commencement Address, 1987, Georgetown University Law Center, *reprinted in* RES IPSA LOQUITER (Fall, 1987)
Commencement Address, Washington College of Law, *reprinted in* THE ADVOCATE (Fall, 1989)
Becoming a Player: A Credo for Young Lawyers, 51 MD. L. REV. 422 (1992)
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XI. Tributes

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Remarks at *Thurman Arnold Remembered: A Centennial Celebration* (Special Printing) (Oct. 30, 1991)
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Remarks at Memorial Service for Judge David L. Bazelon, *reprinted in* CONG. REC. Feb. 23, 1993, at H729; LEGAL TIMES, March 1, 1993
Judge Arnold and Individual Rights, 78 MINN. L. REV. 35 (1993)
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A Tribute to Dean Robert A. Stein, 80 MINN. L. REV. 21 (1995)
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Remarks at Presentation of Portrait of Judge Harold H. Greene, 967 F. Supp. LXVII (1997)

International Activities

1973-77	International Committee, Ford Foundation
July 1987	American Jurist at Canadian Federal Judicial Council Education Seminars, Vancouver, B.C.
Aug. 1987	Member, First Canadian-American Legal Exchange
July 1989	Salzburg Seminar Faculty (American Law and Legal Institutions)
June 1990	Observer for Bulgarian Elections, National Democratic Institute for International Affairs (NDI)
March 1991	Faculty Judicial Workshop for Czechoslovakian Judges (Prague), Central and Eastern European Law Initiative (CEELI)
April 1991	Panel Presentation, "Constitutional Changes in Eastern Europe," American Society of International Law Proceedings (85th Annual Meeting, April 1991) 326
July 1991	Faculty for Canadian Institute for Advanced Legal Studies, Cambridge
Aug. 1991	Bellagio, Italy Seminar on United States-Russian Implementation of Environmental Policy (American Academy of Arts and Sciences)
Aug. 1991	Faculty, Judicial Workshop for Romanian Judges (USIA/State Dept.), Poine-Brasov, Romania
Dec. 1991	Faculty, Workshop for Bulgarian Parliament (Congressional Research Service), Sofia
Dec. 1991	Faculty, Governance in a Time of Crisis (NDI), Moscow
1993-96	Lecturer on Judicial Ethics to Visiting Foreign Judges at Federal Judicial Center

1993-1994	Advisory Committee, American Bar Association (CEELI)
1994-97, 1998-	Executive Board, CEELI
1990-1999	Critiques (approx. 25) of Russian, Romanian, Czechoslovakian, Belarusan and Bosnian Constitutions and Various Judicial Restructuring and Advocates Laws for CEELI
1992-1994	Member, CEELI Workshop on Lithuanian Constitution (critiqued Lithuanian Constitutional Draft; planned agenda for U.S. delegation to Lithuania; ran Washington, D.C. workshop on Judiciary portions for Lithuanian delegates to United States)
May 1992	Lithuanian-American Congress of Lawyers, Vilnius (two panel presentations on Constitution and Courts) (*reprinted in* CONGRESS PROCEEDINGS, Vilnius 1993)
June 1992	Distinguished Public Delegate to Helsinki Accord Meetings, CSCE
July 1992	Faculty Member in Legal Seminar for CIS (Russian) Officials (U.S. Department of State/Federal Judicial Center) (wrote papers on Constitution and Courts used as curriculum materials)
Jan. 1993	CEELI Workshop on Governing Russia: Developing a Constitution for a Democratic Society (participant in Judiciary Panel)
Jan. 1993	USIA Teleconference with Women's Advisory Council for Western Australia in Perth
May 17-19, 1993	CEELI Workshop on Developing a Criminal Code for Kazakstan (participant)
Aug. 10-22 1993	Delegate to ACUS Symposium on Administrative Law for Chinese officials, in Beijing, China
Aug. 31-Sept. 3, 1993	Mentor Group, Forum for US.-EC Legal and Economic Issues, Second Plenary Session, Edinburgh, Scotland (presentation)
Nov. 14-18, 1993	CEELI Workshop on Judicial Independence for Slovakian Judges in Bratislava and Brno (Czech Republic) (presentation)
Apr. 26-29, 1994	Constitutional Symposium on Poland Constitution (NDI), Warsaw, Poland (presentation)
May 27-29, 1994	Keynote Speaker, Conference of International Association of Women Judges on Domestic Violence, Rome, Italy
Summer, 1994-95	Member, United States and Egypt Judicial Exchange Team (Federal Judicial Center/George Washington University)

Apr. 1995	American Jurist at Canadian Judicial Council Training Institute, Quebec City, Quebec
Nov. 16, 1995	CHECCI Briefing of Ukranian Supreme Court on Draft Judicial Law
Nov. 18, 1995	Keynote Speaker at Canadian Judicial Conference on Aspects of Equality: Rendering Justice, Ottawa, Quebec (address *reprinted in* Conference Papers)
Feb. 1996	CEELI Bosnian Federation Workshop, Lecturer on Judicial Ethics, Sarajevo
Mar. 10-17, 1996	Leader, American Delegation of Judges to Egypt for Exchange Team; Lecture at University of Cairo Law School
Apr. 1996	Slovakian Constitutional Court Visit to United States (CEELI) (Briefing)
Apr. 1996	Belarus Constitutional Court Visit to United States (CEELI) (Briefing)
Sept. 1996	Symposium: Constitutional 'Refolution' in the Ex-Communist World: The Rule of Law (Washington College of Law - Speaker)
Dec. 16-19, 1996	"Problems Facing New Constitutional Courts" - Budapest, Hungary (ARD/CHECCHI/CSSE/SOROS) (Presenter to Panels on Separation of Powers and Relations With Press to Georgian, Armenian and Bulgarian Courts)
Mar. 10-13, 1996	Constitutional Tribunal Workshop (CHECCHI/SOROS) Paris, France (Presenter to Panels on Judicial Independence for Kazakstan, Kyrgyzstan, and Mongolian Courts)
Mar. 1998	CEELI Workshop on Separation of Powers and Judicial Independence, Belgrade, Serbia (various presentations)
Nov. 3, 1998	CEELI - Uzbekian Judiciary Workshop on Ethics (presentation)
Nov. 9, 1998	American University Workshop for Argentine Judges (presentation of Judicial Administration)
Oct. 20, 1998	Speech on Judicial Independence in Eastern Europe to Women's Foreign Policy Forum Breakfast (Washington, D.C.)